

In the
Supreme Court of the United States

Raji Rab,

Petitioner,

v.

Superior Court of Sacramento County,

Respondent;

Alex Padilla, as Secretary of State, etc., et al,

Real Parties in Interest.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA

PETITION FOR REHEARING

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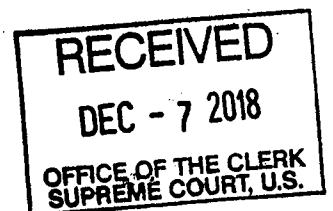


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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, Petitioner Raji Rab respectfully begs this Court for rehearing of the Court's decision on November 19, 2018 order denying the writ of certiorari in this case. The matter presented in this case of national significance is too important to leave unsettled.

Petitioner begs that denial of certiorari should not be prejudicially treated as definitive determination, subject to all circumstances of such an interpretation, actually the absolute opposite status exists under such conditions. Petitioner brings appropriate submission that substantial matters are presented on rehearing and at least the formality of appropriate opportunity should be given for doing so.

Petitioner begs rehearing the petition for certiorari which was denied, even though no response of any nature was filed in opposition by the respondents.

INTRODUCTION

Under the U.S. Supreme Court Rule 10. Section (c), Petitioner, a Congressional candidate in District 30 California's Federal primary election, filed his petition that was duly admitted.

Before the 2018 Primary election, Petitioner received a notice from LA RRCC, stating petitioner's name and punch position number 148. This led petitioner to believe that petitioner's ballot punch position number was 148 throughout the district. Petitioner publicized accordingly. But on election day, the petitioner's ballot punch position number in various precincts was 148, 149, 150 or 151. Many voters turned up upset at petitioner's office, however, the damage was done.

Petitioner made many visits to LA RRCC but was offered ambiguous answers at best. Petitioner then proceeded to see mandatory manual recounts, pursuant to Elections Code §336.5 for the accuracy of the MTS tabulation. MTS failed in the summation. Registrar, himself

documented MTS as defective vote count machine. Also, mandatory one percent manual recount audit of the June 5, 2018 primary failed. Luckily, Petitioners Precinct 0950016A, randomly came out in the draw for audit, revealing discrepancy of 37 additional votes. MTS reported a total of 284 votes in Precinct 0950016A; and 37 additional votes represent a 13 % discrepancy. LA RRCC left the 13% discrepancy in the audit process unresolved and did not document the error in violation of mandatory procedures. Elections Code §15360 requires Registrar to prepare a report following the one percent manual tally in the certification of the official canvass of the vote. This was violated. LA RRCC did not report discrepancies in the 1% tally reported to SOS.

Registrar's staff told petitioner that the ballot number changes were made under EC §13111 and EC §13112. This is wrong. Under these codes only Candidate names can be rotated but not the ballot punch position numbers. These punch position number changes were

unconstitutionally applied only on Federal candidates and not for State candidates (*Yick Wo v. Hopkins* 118 u.s.356) (1886) uneven application of laws is a violation of Equal Protection Clause of the 14th amendment, treating Federal candidates differently from State candidates. (*Williams v. Rhodes* 393 US 231, 968) and (*United States Term Limits v. Thornton* 514 US 779).

In the paid manual recount Petitioner's request for oath taking by recount staff was denied. Petitioner's request to look at the ballot storage was denied. Petitioner witnessed total chaos, missing ballots and missing precincts, missing ballots were later wrongfully mixed in the stacks of the ballots, removing proof of fraud.

Therefore, election contest under Writ of Mandate was timely filed, duly admitted in the Superior Court of Sacramento in accordance with EC §13114 (G) and EC §16101(C), duly processed as a valid election contest covering AB 1090, EC §13111, EC§13112, EC§13114, EC §16100 (G) and EC §16101 (C). Petitioner's TRO hearing in

this valid election contest was dulyheard on July 31, 2018 in which the respondents agreed not to print ballots till August 30, 2018. A final hearing was set on August 14, 2018.

In final hearing, proceedings were unconstitutional. Lower court pressured petitioner, putting words in his mouth in a mocking and degrading manner. Lower court misinterpreted EC §13111 and EC §13112 failing to seethat, State candidates were favoured with one ballot punch position number, whereas Federal candidates were given multiple ballot punch position numbers, violatingequal protection rights. When a State erects a discriminatory system, they can be required by the U.S. Supreme Court to modify its legislation and/or codes to create parity of state and federal candidates in its election codes (*Bullock et al. v. Carter et al, 405US 134*) (1972).

Lower court ignored that LA Registrar left the 13% discrepancy in the 1% audit process, unreported to Secretary of State.

Lower court defied merits, misinterpreted EC §13111, EC§13112, EC§13114, EC §16100 (G), EC§ 16101 (C) and ballot designation violations of AB1090 EC §13107, 2 CCR §20716 (C) and 2 CCR §20716 (D). The term "Realtor" is a trademark and not allowed to be used as a ballot designation.

Lower court denied Petitioner's right to confront and cross examine respondents. Lower court interfered, blocked or answered questions for the Respondents. Record shows that Petitioner called out in the court to show where it stated in EC§13111 and EC§13112 or anywhere in any laws or codes that ballot punch position could be changed. No objections were made. LA RRCC attorney later said that punch numbers changed because of name rotation. This is wrong. ballot punch position numbers must remain unchanged for state and federal candidates alike.

Lower court misinterpreted California Assembly Bill 1090, as Petitioner's duty instead of SOS duty to enforce election procedures.

Record shows prejudice by the lower court all over the case. Supreme Court has the jurisdiction to nullify arbitrary State laws, codes and procedures (*Frontiero v. Richardson* 411 U.S. 677) (1973). Federal actions can eliminate discriminatory practices that treat federal and state candidates differently (*Williams v. Rhodes*, 393 U.S. 23; *U.S. Term Limits v. Thorton*, 514 U.S. 779/115 S. Ct. 1842; *Kramer v. Union Free School* 514 US 77). The State failed to provide equal protection and application of laws for Federal candidates (*Bush v. Gore* 531 U.S. 98). Nothing opens the door to arbitrary action so effectively as to allow these officials to pick and choose only a few to whom they will apply legislation and thus to escape the political retribution that might visited upon them if larger numbers were affected. Courts can take no better measure to assure that laws will be just than to require that laws be equal in operation (*Railway Express Agency, Inc. v. New York*, 336 U.S. 106).

FACTS & PROCEDURAL BACKGROUND

A. Proceedings Before this Court

1. Records show that Petitioner timely filed, this Election contest under the laws through an original verified Petition on July 9, 2018.

2. Petitioner timely filed Amended Writ of Mandate Filed on July 27, 2018 pursuant to EC §13314(A)(1) and EC §16101(C) as a valid election contest adding new developments, with all provable causes of Action.

3. Ex Parte - TRO was heard on July 31, 2018. In this hearing printing of ballots was stopped for 2018 general elections.

4. Final Hearing was heard on August 14, 2018. Petitioner made undisputed arguments to each opposition filed by the respondents with clear and convincing evidence supported by verified declarations, laws and elections codes.

5. Ruling After Hearing on Petition for Writ of Mandate on August 15, 2018. Lower court exceeded its jurisdiction with misinterpretation, denied the Writ of Mandate.

6. Appeal Filed to the Third District Court of Appeal in California on August 27, 2018. On August 29, 2018, Appeal was instantly denied by the Presiding Justice Raye, P.J in the Third Appellate District.

7. Petition for Review was filed to the Supreme Court of California on August 31, 2018. On September 12, 2018, Petition was denied.

8. Petition for Writ of Certiorari was filed to the Supreme Court of United States on September 20, 2018. Application for Stay was filed to the Supreme Court of United States on September 27, 2018 and denied on October 2, 2018.

9. Petition on Writ of Certiorari was denied on November 19, 2018. Immediately thereafter, Petitioner prepared to file the petition for Rehearing in the U.S. Supreme Court.

B. Unconstitutional Judgment by Lower Court.

1. Lower court in misinterpretation, loosely referred EC §16100 without any subdivision, and generalized it. This is wrong. The EC§16100 subdivision (G) clearly supports petitioner's contention in this valid election contest. There

was an error in the vote counting program and summation of ballot count under EC §16101(C). MTS failed, in the 1% manual tally under EC §336.5.

2. Lower court misinterpreted Election codes §16100(G), §16101(C) and §13314(A)(1), generalized it in the flawed judgment. EC §16101 (C) and (D) are clear. MTS failed to tally hand count with added violation of EC §16101(D), as over 100,000 names were missing from voter roster.
3. Lower court misinterpreted oral arguments, verified declarations, election laws and codes as evidence. Lower court in a rush, used inapplicable case law in its misguided judgment. Petitioner showed high convincing probability, sufficiently strong to command the unhesitating assent of every reasonable mind.
4. Lower court mocked at the petitioners amended petition, admitted that petitioner brought many allegations, but failed to address the entire cause, against California Constitution Article IV, Section 13 and the Equal Protection under U.S. Constitution.

5. Lower court in misinterpretation astonishingly allowed unlawful ballot designation to use of Trademark "REALTOR" in violation of AB 1090, EC §13107 and ballot designation violations of 2 CCR §20716(D).
6. Lower court exceeded jurisdiction to submerge the truth about this valid election contest. This is a valid election contest in accordance with laws, Election codes and justice, duly admitted duly processed through TRO and final hearing. Lower court made personal and uncalled-for comment saying that, "to petitioner it is irrelevant what the law equally requires of petitioner". Petitioner only followed law in this valid election contest fighting all the way to the U.S. Supreme Court. During the hearing, under court's one-sided attack, petitioner said that lower court was acting as an attorney for the respondents. Lower court said that there are multiple laws which coexist and equally but did not say which laws. Petitioner argued that voters were misled, and sufficient number of votes were improper. This case is a valid election contest under EC §16101(C) and (D).

7. Lower court in misinterpretation, cited EC §13314(A)(1) which does not state if the code is only for preprimary post primary or pre-general election. Petitioner met all election codes and requirements of EC §13314 (A)(1), filed a valid election contest.
8. Lower court misinterpreted that ballot designation was not improper and not a violation. This is serious violation of AB1090. Petitioner filed a timely contest after ballots were cast and violations were detected.
9. Lower court in misinterpretation called it petitioner's duty instead of Secretary of State's mandatory duty to check ballot designation violations. Attorney for SOS, Mr. Waters said that SOS had no duty to address ballot designation violations.
10. Lower court misinterpreted that Petitioner's election contest is untimely, whereas lower court itself processed all legal and timely filed proceedings in this valid and timely filed election contest.
11. Lower court misstated that petitioner did not challenge use

of "Realtor" as part of the general election. this is wrong. Petitioner argued ballot designation violations for past and all future elections. Petitioner also submitted a variety of remedies for any suitable means the court may feel necessary. Lower Court mocked at petitioner's submission. The lower court misinterpreted, unconscionably legalized the use of Trademark "Realtor" for all future elections. lower court tried to somehow make this election contest sound invalid, but this is a valid and timely filed election contest under the law.

12. In the hearing, petitioner satisfied his burden of proof, argued with established laws and election codes, proved all alleged violations, and prerequisites for entitlement to relief in his valid elections contest.

GROUND FOR REHEARING

1. The decision in this case was based on an error that injured the core of its analysis.
2. Rehearing should be granted on the substantial grounds not previously presented.
3. There have been intervening circumstances of a substantial effect which warrant rehearing.
4. This petition for rehearing after said denial of the petition for certiorari is not an empty formality and the denial of certiorari should not be prejudicially treated as definitive determination, subject to all the circumstances of such an interpretation, actually the absolute opposite status exists under such conditions.
5. Now, petitioner makes appropriate submission that substantial matters are presented on rehearing and at least the formality of appropriate opportunity should be given for doing so.
6. Petitioner requests rehearing as the petition for certiorari was denied wherein no response of any nature was filed in

opposition by the respondents.

7. Rehearing will stop nationwide harm due to misinterpreted AB 1090, EC §13111, EC §13112, EC§13114 EC § 13107, 2 CCR §20716(a), 2 CCR §20716 (c) and 2 CCR §20716 (d). Misinterpretation failed to see that Petitioner filed a valid election contest under EC § 13314 (g), EC §16101(c) and (d) for all of which only U.S. Supreme Court has proper jurisdiction to decide in the matter.

GROUND FOR GRANTING CERTIORARI

Petitioner is not an attorney, begs forgiveness for errors, comes aggrieved, exhausting all California State venues to this Honorable U.S. Supreme Court.

Petitioner now asks nothing for himself but only justice, praying that Certiorari should be granted because of the following grounds.

1. Lower Court misintrepretated laws, where State Candidates were allowed one ballot punch position number, but Federal candidates multiple punch position

numbers misinterpreting EC §13111 and EC §13112.

2. Lower court misinterpreted EC §13111, EC §13112, EC §13302, EC §13314, EC §16100 (G), EC § 16101 (C), EC §20716 (C), EC §20716(D), 2 CCR§20817(A), 2 CCR §20817(B), 2 CCR §20818 (C), 2 CCR § 20832(A), and 2 CCR § 20832(G).
3. Lowercourt misinterpreted, cited selective sections of inapplicable case laws, interpreted the Trademark "Realtor" as a Generic term, in a federal election and allowed use of Trademark as a ballot designation in violation of AB1090, 2 CCR § 20716 (D). Petitioner challenged the use of trademark "Realtor" in past, present and future elections.
4. Lower Courtmisinterpreted violations EC §15360, non-reporting of failed 1% manual recount audit to the Secretary of State and thatFederally uncertified MTS vote count machine, discarded by LA County Registrar as federally uncertified was usedto count ballots.
5. Lower court failed to see that Petitioner brought a

proper and timely filed election contest under EC § 16101(C), duly admitted by court under EC Code § 13314(a)(1).

6. Adequacy of legal remedy is relaxed when issues raised in writ petitions is of wide spread importance. Petitioner's fundamental rights cannot be defeated for defects in his pleading (*Davis v. Wechsler 263 U.S. 22*). Petitioner proved by clear and convincing evidence in court under EC §16101(c) that serves as a basis for a valid election contest (*Williams v. Rhodes 393 U.S. 23*) (1968). California Secretary of State has a duty to protect, preserve and evenly enforce election laws and election codes (*Yick Wo v. Hopkins 118 U.S. 356*) (1938). To overrule established laws AB 1090 and Election codes §13107, 2 CCR §20716 (C) and §20716 (D), Secretary of State has exceeded its ministerial duty.
7. The Lower Court misinterpreted the missing over 100,000 names from the voter roster in violation EC §16101(D).
8. The Petitioner was denied constitutional right of

confronting and cross-examination. Lower court attacked petitioner throughout the hearing, defended Respondents, saying that there are multiple laws which coexist and equally apply to Petitioner's election contest but in its judgment lower court did not quote any such laws that co-exist.

9. The outcome of this petition directly involves nationwide public interest. This is a check on government, which the courts have the duty to zealously guard this right of the people and to prevent any action which would improperly annul that right.
10. Petitioner consistently complained about cheating, fraud, violation of mandatory procedures and violation of constitutional rights. The U.S. Supreme Court has within its power to overturn discriminatory state laws (*Bullock v. Carter 405 U.S. 134*) (1972).
11. The Petitioner has come with clean hands. Pro se pleadings are protected when plainly asserted substantive rights of Due Process and Equal protection

that cannot be defeated by local practice, codes, legislative acts. (*Haines v. Kerner* 404 U.S. 519 (1972) and (*Davis v. Wechsler* 263 U.S 22).

12. The Lower court misinterpreted laws cited by Petitioner.

A court may not insert qualifying provisions into a statute not intended by the Legislature and may not rewrite a statute to conform to an assumed legislative intent not apparent in the case.

13. U.S. Supreme court has a right and a duty to order remedies best suited to protect the public, to ensure free and fair elections (*Williams v. Rhodes* 393 U. S. 23; U.S. Term Limits v. Thorton; *Bush v. Gore*) Id.

CONCLUSION

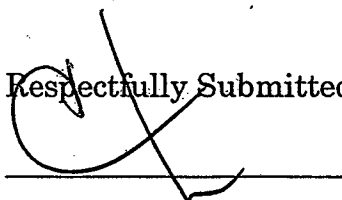
Petitioner humbly prays to U.S. Supreme Court to reverse unconstitutional lower court judgment from nationwide harm and order judgment to properly interpret equal application of EC §13111, EC §13112, EC §13302, EC §13314(A)(1), EC §16100 (G), EC § 16101 (C), EC §20716

(C), EC §20716 (D), 2 CCR§20817(A), 2 CCR §20817(B), 2 CCR §20818 (C), 2 CCR § 20832(A), 2 CCR § 20832(G) and EC §15360.

For the reasons stated in the petition for writ of certiorari, petitioner prays that this Court grant rehearing of the order of denial, vacate that order, grant the petition for writ of certiorari.

Petitioner Rab makes more than appropriate submission that grave and substantial matters are presented in this petition for rehearing the petition for certiorari and requests that this Court not withdraw from this matter but instead grant the said petition for certiorari.

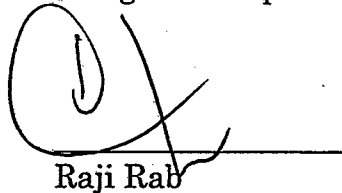
Respectfully Submitted,


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December 4, 2018

CERTIFICATE OF COUNSEL

I hereby certify that this Petition for Rehearing from denial of certiorari is presented in good faith and not for delay, and that it is restricted to the grounds specified in Rule 44.2.

A handwritten signature in black ink, appearing to be 'Raji Rab', written over a horizontal line.

Raji Rab
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December 4, 2018